

SENATE BILL 554

N1, D5

0lr2891
CF HB 1382

By: **Senator Gladden**

Introduced and read first time: February 4, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 4, 2010

CHAPTER _____

1 AN ACT concerning

2 **Rental Housing – Protection for Victims of Domestic Violence and Sexual**
3 **Assault**

4 FOR the purpose of authorizing a tenant who is a victim of domestic violence or a
5 victim of sexual assault to terminate a residential lease under certain
6 circumstances; requiring a certain tenant to provide certain written notice to
7 terminate a lease to the landlord; requiring a tenant who provides certain
8 written notice to vacate the leased premises within a certain period of time;
9 establishing a tenant's responsibility for certain rent if the tenant terminates a
10 lease under this Act; providing that a landlord is entitled to certain legal
11 remedies under certain circumstances; requiring the written notice provided
12 under this Act to include certain information; ~~prohibiting a landlord from~~
13 ~~bringing an action for possession under certain circumstances; prohibiting a~~
14 ~~court from entering a judgment against a certain tenant~~ providing a rebuttable
15 presumption in a certain civil action if the tenant provides certain evidence;
16 authorizing a court to make a certain judgment in an action for possession
17 under certain circumstances; authorizing a tenant to provide the landlord with
18 a request to change the locks on the leased premises under certain
19 circumstances; requiring the request to change the locks to include certain
20 information; requiring the landlord to change the locks ~~or authorize the tenant~~
21 ~~to change the locks~~ within a certain period of time after receiving the request;
22 authorizing the tenant to have a certain person change the locks without the
23 landlord's permission under certain circumstances; requiring the tenant to pay
24 a certain fee within a certain period of time; ~~prohibiting certain discrimination~~
25 ~~in housing on the basis of a person's status as a victim of domestic violence or a~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~victim of sexual assault~~, defining certain terms; and generally relating to
2 protection for victims of domestic violence and sexual assault in rental housing.

3 BY adding to

4 Article – Real Property

5 Section 8–5A–01 through 8–5A–06 to be under the new subtitle “Subtitle 5A.
6 Rental Housing – Victims of Domestic Violence and Sexual Assault”

7 Annotated Code of Maryland

8 (2003 Replacement Volume and 2009 Supplement)

9 ~~BY repealing and reenacting, without amendments,~~

10 ~~Article – State Government~~

11 ~~Section 20–701(a)~~

12 ~~Annotated Code of Maryland~~

13 ~~(2009 Replacement Volume)~~

14 ~~BY adding to~~

15 ~~Article – State Government~~

16 ~~Section 20–701(j) and (k)~~

17 ~~Annotated Code of Maryland~~

18 ~~(2009 Replacement Volume)~~

19 ~~BY repealing and reenacting, with amendments,~~

20 ~~Article – State Government~~

21 ~~Section 20–705~~

22 ~~Annotated Code of Maryland~~

23 ~~(2009 Replacement Volume)~~

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Real Property**

27 **SUBTITLE 5A. RENTAL HOUSING – VICTIMS OF DOMESTIC VIOLENCE AND**
28 **SEXUAL ASSAULT.**

29 **8–5A–01.**

30 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
31 **INDICATED.**

32 **(B) “LEGAL OCCUPANT” MEANS AN OCCUPANT WHO RESIDES ON THE**
33 **PREMISES WITH THE ACTUAL KNOWLEDGE AND PERMISSION OF THE**
34 **LANDLORD.**

35 **~~(B)~~ (C) “OFFENDER” MEANS A PERSON WHO COMMITS AN ACT OF**
36 **DOMESTIC VIOLENCE OR COMMITS A SEXUAL ASSAULT OFFENSE.**

1 **(D) "PEACE ORDER" MEANS AN ENFORCEABLE FINAL PEACE ORDER.**

2 **(E) "PROTECTIVE ORDER" MEANS AN ENFORCEABLE FINAL**
 3 **PROTECTIVE ORDER.**

4 ~~(C)~~ **(F)** **"VICTIM OF DOMESTIC VIOLENCE" MEANS A PERSON WHO IS:**

5 **(1) A VICTIM OF DOMESTIC ABUSE ~~UNDER TITLE 4, SUBTITLE 5,~~**
 6 **AS DEFINED IN § 4-501 OF THE FAMILY LAW ARTICLE; ~~OR~~ AND**

7 **(2) A PERSON ELIGIBLE FOR RELIEF, AS DEFINED IN § 4-501 OF**
 8 **THE FAMILY LAW ARTICLE.**

9 ~~(D)~~ **(G)** **"VICTIM OF SEXUAL ASSAULT" MEANS A PERSON WHO IS A**
 10 **VICTIM OF:**

11 **(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE**
 12 **CRIMINAL LAW ARTICLE;**

13 **(2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW**
 14 **ARTICLE; OR**

15 **(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF**
 16 **THE CRIMINAL LAW ARTICLE.**

17 **8-5A-02.**

18 **(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
 19 **SECTION, A TENANT MAY TERMINATE A RESIDENTIAL LEASE IF THE TENANT OR**
 20 **LEGAL OCCUPANT IS:**

21 **(1) A VICTIM OF DOMESTIC VIOLENCE; OR**

22 **(2) A VICTIM OF SEXUAL ASSAULT.**

23 **(B) ~~A~~ IF A TENANT ~~WHO~~ OR LEGAL OCCUPANT IS A VICTIM OF**
 24 **DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT ~~WHO HAS PROVIDED,~~**
 25 **THE TENANT MAY PROVIDE TO THE LANDLORD THE WRITTEN NOTICE REQUIRED**
 26 **UNDER § 8-5A-03 OR § 8-5A-04 ~~OF THIS SUBTITLE BEFORE THE TENANT~~**
 27 **VACATES THE LEASED PREMISES AND, IF THE WRITTEN NOTICE IS PROVIDED,**
 28 **THE TENANT SHALL HAVE 30 DAYS TO VACATE THE LEASED PREMISES FROM**
 29 **THE DATE OF PROVIDING THE WRITTEN NOTICE.**

1 (C) A TENANT WHO VACATES LEASED PREMISES UNDER THIS SECTION
 2 IS RESPONSIBLE FOR RENT ~~PRORATED BASED ON THE NUMBER OF DAYS THE~~
 3 ~~TENANT OCCUPIES THE LEASED PREMISES AFTER~~ FOR THE 30 DAYS FOLLOWING
 4 ~~THE TENANT PROVIDES~~ PROVIDING NOTICE OF AN INTENT TO VACATE.

5 (D) IF A TENANT DOES NOT VACATE THE LEASED PREMISES WITHIN 30
 6 DAYS OF PROVIDING TO THE LANDLORD THE WRITTEN NOTICE REQUIRED
 7 UNDER § 8-5A-03 OR § 8-5A-04 OF THIS SUBTITLE, THE LANDLORD IS, AT THE
 8 LANDLORD'S OPTION AND WITH WRITTEN NOTICE TO THE TENANT, ENTITLED
 9 TO ALL;

10 (1) ALL LEGAL REMEDIES AGAINST A TENANT HOLDING OVER
 11 AVAILABLE UNDER § 8-402 OF THIS TITLE; OR

12 (2) DEEM THE TENANT'S NOTICE OF AN INTENT TO VACATE TO
 13 HAVE BEEN RESCINDED AND THE TERMS OF THE ORIGINAL LEASE TO BE IN
 14 FULL FORCE AND EFFECT.

15 8-5A-03.

16 (A) ~~A~~ IF A TENANT WHO OR LEGAL OCCUPANT IS A VICTIM OF
 17 DOMESTIC VIOLENCE, THE TENANT MAY TERMINATE A LEASE UNDER § 8-5A-02
 18 OF THIS SUBTITLE IF THE TENANT PROVIDES THE LANDLORD WITH WRITTEN
 19 NOTICE BY FIRST-CLASS MAIL OR HAND DELIVERY OF AN INTENT TO VACATE
 20 THE PREMISES AND NOTICE OF THE TENANT'S OR LEGAL OCCUPANT'S STATUS
 21 AS A VICTIM OF DOMESTIC VIOLENCE.

22 (B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION
 23 SHALL INCLUDE:

24 (1) ~~A~~ A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT
 25 OF THE TENANT OR LEGAL OCCUPANT UNDER § 4-506 OF THE FAMILY LAW
 26 ARTICLE;

27 (2) ~~A MEDICAL RECORD OR AN AFFIDAVIT FROM A MEDICAL~~
 28 ~~PROFESSIONAL REGARDING INJURIES SUSTAINED BY THE TENANT AS A RESULT~~
 29 ~~OF DOMESTIC VIOLENCE; OR~~

30 (3) ~~A POLICE REPORT REGARDING DOMESTIC VIOLENCE AGAINST~~
 31 ~~THE TENANT.~~

32 8-5A-04.

33 (A) ~~A~~ IF A TENANT WHO OR LEGAL OCCUPANT IS A VICTIM OF SEXUAL
 34 ASSAULT, THE TENANT MAY TERMINATE A RESIDENTIAL LEASE UNDER §

1 **8-5A-02** OF THIS SUBTITLE IF THE TENANT PROVIDES THE LANDLORD WITH
 2 WRITTEN NOTICE BY FIRST-CLASS MAIL OR HAND DELIVERY OF AN INTENT TO
 3 VACATE THE LEASED PREMISES ~~AND NOTICE OF~~, INCLUDING THE TENANT'S OR
 4 LEGAL OCCUPANT'S STATUS AS A VICTIM OF SEXUAL ASSAULT.

5 (B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION
 6 SHALL INCLUDE:

7 (1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT
 8 OF THE TENANT OR LEGAL OCCUPANT UNDER § 4-506 OF THE FAMILY LAW
 9 ARTICLE; OR

10 (2) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE
 11 TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL
 12 ASSAULT UNDER § 3-1505 OF THE COURTS ARTICLE;

13 ~~(3) A MEDICAL RECORD OR AN AFFIDAVIT FROM A MEDICAL~~
 14 ~~PROFESSIONAL REGARDING INJURIES SUSTAINED BY THE TENANT AS A RESULT~~
 15 ~~OF SEXUAL ASSAULT; OR~~

16 ~~(4) A POLICE REPORT REGARDING SEXUAL ASSAULT AGAINST~~
 17 ~~THE TENANT.~~

18 **8-5A-05.**

19 ~~(A) A LANDLORD MAY NOT BRING~~ THIS SECTION APPLIES TO AN ACTION
 20 FOR POSSESSION OF ~~LEASED~~ PROPERTY UNDER § 8-402.1 OF THIS TITLE
 21 AGAINST A TENANT OR LEGAL OCCUPANT WHO IS A VICTIM OF DOMESTIC
 22 VIOLENCE OR A VICTIM OF SEXUAL ASSAULT ~~BASED ON~~ IN WHICH THE BASIS
 23 FOR THE ALLEGED BREACH IS AN ACT OR ACTS OF DOMESTIC VIOLENCE OR
 24 SEXUAL ASSAULT.

25 (B) (1) ~~A COURT MAY NOT ENTER A JUDGMENT AGAINST A TENANT~~
 26 ~~WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT IN~~
 27 ~~AN ACTION FOR POSSESSION~~ A TENANT IS DEEMED TO HAVE RAISED A
 28 REBUTTABLE PRESUMPTION THAT THE ALLEGED BREACH OF THE LEASE DOES
 29 NOT WARRANT AN EVICTION IF THE TENANT PROVIDES TO THE COURT:

30 (I) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE
 31 BENEFIT OF THE TENANT OR LEGAL OCCUPANT UNDER § 4-506 OF THE FAMILY
 32 LAW ARTICLE; OR

33 (II) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT
 34 OF THE TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS
 35 SEXUAL ASSAULT UNDER § 3-1505 OF THE COURTS ARTICLE.

1 (2) IF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS RAISED AS A
 2 DEFENSE IN AN ACTION FOR POSSESSION OF PROPERTY UNDER § 8-402.1 OF
 3 THIS TITLE, THE COURT, IN ITS DISCRETION, MAY ENTER A JUDGMENT IN FAVOR
 4 OF A TENANT WHO DOES NOT PROVIDE THE EVIDENCE DESCRIBED IN
 5 PARAGRAPH (1) OF THIS SUBSECTION.

6 ~~(C) IF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS RAISED AS A~~
 7 ~~DEFENSE IN AN ACTION FOR POSSESSION AGAINST A TENANT WHO IS A VICTIM~~
 8 ~~OF DOMESTIC VIOLENCE OR A VICTIM OF SEXUAL ASSAULT AND THE OFFENDER~~
 9 ~~INVOLVED WITH THE ACT OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT IS~~
 10 ~~OCCUPYING THE LEASED PREMISES WITH THE TENANT, THE COURT MAY ENTER~~
 11 ~~A JUDGMENT TERMINATING THE OFFENDER'S RIGHT TO OCCUPY THE LEASED~~
 12 ~~PREMISES BUT ALLOW THE VICTIM OF DOMESTIC VIOLENCE OR VICTIM OF~~
 13 ~~SEXUAL ASSAULT AND ANY OTHER TENANTS TO CONTINUE TO OCCUPY THE~~
 14 ~~PREMISES.~~

15 8-5A-06.

16 (A) A PERSON WHO IS A VICTIM OF DOMESTIC VIOLENCE OR A VICTIM
 17 OF SEXUAL ASSAULT AND WHO IS A TENANT UNDER A RESIDENTIAL LEASE MAY
 18 PROVIDE TO THE LANDLORD A WRITTEN REQUEST TO CHANGE THE LOCKS OF
 19 THE LEASED PREMISES IF ~~THE TENANT REASONABLY BELIEVES THAT THERE IS~~
 20 ~~AN IMMINENT THREAT OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT AGAINST A~~
 21 ~~MEMBER OF THE TENANT'S HOUSEHOLD~~ THE PROTECTIVE ORDER OR PEACE
 22 ORDER ISSUED FOR THE BENEFIT OF THE TENANT OR LEGAL OCCUPANT
 23 REQUIRES THE RESPONDENT TO REFRAIN FROM ENTERING OR TO VACATE THE
 24 RESIDENCE OF THE TENANT OR LEGAL OCCUPANT.

25 (B) THE WRITTEN REQUEST PROVIDED UNDER SUBSECTION (A) OF THIS
 26 SECTION SHALL INCLUDE:

27 (1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT
 28 OF THE TENANT OR LEGAL OCCUPANT UNDER § 4-506 OF THE FAMILY LAW
 29 ARTICLE; OR

30 (2) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE
 31 TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL
 32 ASSAULT UNDER § 3-1505 OF THE COURTS ARTICLE.

33 (C) (1) ~~WITHIN 24 HOURS OF RECEIVING A WRITTEN REQUEST~~
 34 ~~UNDER SUBSECTION (A) OF THIS SECTION, THE~~ THE LANDLORD SHALL CHANGE
 35 THE LOCKS ON THE LEASED PREMISES OR SHALL PROVIDE PERMISSION FOR
 36 THE TENANT TO CHANGE THE LOCKS BY THE CLOSE OF THE NEXT BUSINESS DAY

1 AFTER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (A) OF THIS
2 SECTION.

3 (2) IF THE LANDLORD FAILS TO CHANGE THE LOCKS AS
4 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE TENANT ~~MAY~~:

5 (I) MAY ~~CHANGE~~ HAVE THE LOCKS CHANGED BY A
6 CERTIFIED LOCKSMITH ON THE LEASED PREMISES WITHOUT PERMISSION FROM
7 THE LANDLORD; AND

8 (II) SHALL GIVE A DUPLICATE KEY TO THE LANDLORD OR
9 THE LANDLORD'S AGENT BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER THE
10 LOCK CHANGE.

11 (D) IF A LANDLORD CHANGES THE LOCKS ON A TENANT'S LEASED
12 PREMISES UNDER SUBSECTION (C) OF THIS SECTION, THE LANDLORD:

13 (1) ~~IMMEDIATELY SHALL~~ SHALL PROVIDE A COPY OF THE NEW
14 KEY TO THE TENANT WHO MADE THE REQUEST FOR THE CHANGE OF LOCKS AT A
15 MUTUALLY AGREED TIME NOT TO EXCEED 48 HOURS FOLLOWING THE LOCK
16 CHANGE; AND

17 (2) ~~MAY NOT PROVIDE A COPY OF THE NEW KEY TO THE~~
18 ~~OFFENDER; AND~~

19 (3) ~~MAY~~ CHARGE A FEE TO THE TENANT NOT EXCEEDING THE
20 REASONABLE COST OF CHANGING ~~A LOCK~~ THE LOCKS.

21 (E) (1) IF A LANDLORD CHARGES A FEE TO THE TENANT FOR
22 CHANGING THE LOCKS ON A TENANT'S LEASED PREMISES UNDER SUBSECTION
23 (D) OF THIS SECTION, THE TENANT SHALL PAY THE FEE WITHIN 45 DAYS OF THE
24 DATE THE LOCKS ARE CHANGED.

25 (2) IF A TENANT DOES NOT PAY A FEE AS REQUIRED UNDER
26 PARAGRAPH (1) OF THIS SUBSECTION, THE LANDLORD MAY ~~WITHHOLD~~:

27 (I) CHARGE THE FEE AS ADDITIONAL RENT; OR

28 (II) WITHHOLD THE AMOUNT OF THE FEE FROM THE
29 TENANT'S SECURITY DEPOSIT.

30 ~~Article - State Government~~

31 ~~20-701.~~

(a) ~~In this subtitle the following words have the meanings indicated.~~

~~(J) "STATUS AS A VICTIM OF DOMESTIC VIOLENCE" MEANS THE STATE OF BEING AN INDIVIDUAL WHO IS:~~

~~(1) A VICTIM OF DOMESTIC ABUSE UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; OR~~

~~(2) A PERSON ELIGIBLE FOR RELIEF, AS DEFINED IN § 4 501 OF THE FAMILY LAW ARTICLE.~~

~~(K) "STATUS AS A VICTIM OF SEXUAL ASSAULT" MEANS THE STATE OF BEING AN INDIVIDUAL WHO IS A VICTIM OF:~~

~~(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(2) CHILD SEXUAL ABUSE UNDER § 3 602 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3 604 OF THE CRIMINAL LAW ARTICLE.~~

~~20 705.~~

~~Except as provided in §§ 20 703 and 20 704 of this subtitle, a person may not:~~

~~(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, [or] national origin, STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT;~~

~~(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, [or] national origin, STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT;~~

~~(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, [or] national origin, STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A~~

1 ~~VICTIM OF SEXUAL ASSAULT, or an intention to make any preference, limitation, or~~
2 ~~discrimination;~~

3 ~~(4) represent to any person, because of race, color, religion, sex,~~
4 ~~disability, marital status, familial status, sexual orientation, [or] national origin,~~
5 ~~STATUS AS A VICTIM OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF~~
6 ~~SEXUAL ASSAULT, that any dwelling is not available for inspection, sale, or rental~~
7 ~~when the dwelling is available; or~~

8 ~~(5) for profit, induce or attempt to induce any person to sell or rent~~
9 ~~any dwelling by representations regarding the entry or prospective entry into the~~
10 ~~neighborhood of a person of a particular race, color, religion, sex, disability, marital~~
11 ~~status, familial status, sexual orientation, [or] national origin, STATUS AS A VICTIM~~
12 ~~OF DOMESTIC VIOLENCE, OR STATUS AS A VICTIM OF SEXUAL ASSAULT.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.